

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HORACE CALVIN HOUSTON,

Petitioner,

vs.

RENEE BAKER,

Respondent.


Case No. 3:14-cv-00537-RCJ-VPC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. On the face of the petition petitioner indicates that he filed a previous federal habeas petition challenging this judgment of conviction, which was dismissed as time-barred (ECF #1-1 at 2; 3:11-cv-00438-ECR-VPC). However, 28 U.S.C. § 2244(3)(A) provides: “[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” The instant petition is a successive petition, which requires petitioner to seek and obtain leave of the Ninth Circuit Court of Appeals to pursue. *See* 28 U.S.C. § 2244(b)(3) et seq.

The petitioner has not presented this court with proof that he has obtained leave to file a successive petition from the Court of Appeals. Accordingly, petitioner has thirty (30) days from the date of entry of this order to show cause and file such proof as he has to demonstrate that he has obtained the leave of the Ninth Circuit to pursue this petition.

IT IS FURTHER ORDERED that if petitioner is unable to demonstrate that he has obtained such leave, the court will enter an order dismissing the petition.


UNITED STATES DISTRICT JUDGE